

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

FILED
U.S. DISTRICT COURT
DISTRICT OF NEBRASKA
14 JUL 25 PM 1:46
OFFICE OF THE CLERK

Abdulrazak batun ,
Plaintitiff,

V.

Omaha housing authority,
Clifford scott,
Cindy cosentino,
Defendants,

case no: 8:14CV217
complaint for damages
And injunctive and
Declaratory Relief for
Housing Discrimination

INTRODUCTION

1. this action is brought by plaintiff abdulrazak batun to secure redress for defendants violation of his civil right to be free from housing discrimination on the basis of religion belief.
2. Defendants unlawfully coerced intimidated threatened Retaliated and subsequently evicted the plaintiff from his apartment based on the plaintiff's religion belief.
3. Defendants unlawfully discriminated the plaintiff based on his sincerely held religious belief and took away the subsidies housing which the plaintiff was participating.

JURISDICTION

4. This court has jurisdiction over this action pursuant to 28 u.s.c. 1331 and 1343 and 42 u.s.c. 3613(a)(1)(A) and in that this case arises under federal law. Specifically Title VIII of the civil rights act of 1968.
5. The defendants last discrimination action took place on august,15,2012, the plaintiff's complaint is timely and is within the scope the 2 years time frame allowed under the law pursuant to 42 u.s.c. 3613(a)(1)(A).

VENUE

6. Venue is proper within this district pursuant to 28 u.s.c. 1391 because the unlawful housing discrimination occurred in this district.

PARTIES

7. Plaintiff Abdulrazak Batun is a resident of Omaha, Nebraska. He is practicing Muslim and has been a Muslim since birth. Mr. Batun lived at 600 S 27 Street #109 Omaha, NE 68105 in the Jackson Tower apartment complex. From August 17, 2011 to August 15, 2012. Mr. Batun currently is displaced by the unlawful housing discrimination and his mailing address is P.O. Box 861, Omaha, NE, 68101.
8. Defendant Omaha Housing Authority is a public housing agency and is assisted under the United States Housing Act to provide housing to low income individuals and families and its principal address is 540 S 27 St, Omaha, NE, 68105.
9. Defendant Clifford Scott is a resident of Nebraska and is employed by Omaha Housing Authority and he is currently acting chief executive officer of Omaha Housing Authority. Mr. Scott's work address is 540 S 27 St, Omaha, NE, 68105.

10. Defendant Cindy Cosentino is a resident of Nebraska and is employed by Omaha housing authority and she is currently acting as apartment manager of the Jackson tower apartment complex. A property owned and operated by Omaha housing authority, ms Cosentino's work address is 600 S 27 st, Omaha, NE, 68105.
11. All the three defendants are jointly and severally liable for the housing discrimination which they subjected to plaintiff, in particular Omaha housing authority have a non-delegable duty to comply with the federal fair housing act and therefore liable for the acts of defendant cindy cosentino and other individuals acting or purporting to act as their agents.

EXHAUSTION OF ADMINISTRATIVE REMEDIES

12. Plaintiff Abdulrazak Batun has exhausted his administrative remedies. He filed timely administrative charge of housing discrimination against Omaha housing authority at United States Housing and Urban Development (HUD), HUD has assigned Mr Batun's housing discrimination complaint to a HUD investigator working at the HUD field office in Omaha, Nebraska, unfortunately the Omaha housing authority influenced the HUD investigator and the HUD investigator failed to conduct proper investigation, Then Mr Batun wrote a request to HUD regional office in Kansas City for the change of the said HUD investigator but that request was turned down, from there Mr Batun withdrew his complaint from HUD on November 30, 2012 without HUD determination and Mr

batun made a decision to pursue a civil action at the federal courts against Omaha housing authority.

STATEMENT OF THE FACTS

13. Omaha housing authority is a public housing agency and are assisted under the united states housing act to provide housing to low income individuals and families.
14. Plaintiff abdulrazak batun applied public housing through Omaha housing authority and after procedures and background check the Omaha housing authority accepted mr batun as a good tenant eligible for public housing and housed him at the Jackson tower apartment complex. Address 600 S 27 st #109, Omaha, NE, 68105.
15. Plaintiff abdulrazak batun entered a rental lease agreement with Omaha housing authority and moved in on August, 17, 2011 to Jackson tower apartment complex . address 600 S 27 st #109, Omaha, Ne, a property owned and operated by Omaha housing authority. The rental lease agreement provided obligations to both parties, The plaintiff paid \$315 as a deposit on signing the lease and was paying his monthly rent on time and was keeping all his obligations under the lease agreement.
16. Defendant cindy cosentino is a manager of Jackson tower apartment complex.
17. Soon after mr batun moved in. the defendants felt that mr batun is a muslim and for that reason he must be removed from

the subsidies housing by any means and defendant cindy cosentino started harassment intimidation and threats to plaintiff (hereinafter)mr batun, in the beginning mr batun thought that ms cindy cosentino was acting alone and mr batun complained to Omaha housing authority management about ms cosentino's actions and mr batun realized that Omaha housing authority has approved the actions of ms cindy cosentino in an attempt to force mr batun to vacate the apartment and leave his own, the following is the violent actions which had been subjected to plaintiff abdulrazak batun.

18. On November,21,2011 the Jackson tower apartment manager ms cindy cosentino placed a book about Islamic terrorism on my door, mr batun filed a police report regarding this incident.
19. On the afternoon of November,22,2011 the Jackson tower apartment manager ms cindy cosentino called the plaintiff batun to her office by 3 different times and the last moment she made a hateful threat to plaintiff whereby she said to mr batun " I harassed you . you are a muslim and you did not left from the building . what else. Do you want going to be killed" the plaintiff mr batun called the police. Unfortunately the two police officers who responded to that call did not arrested ms cindy cosentino and were reluctant to register a police report and only when mr batun asked their badge numbers the two officers started to register a police report which mr batun later found that they registered as information report, the plaintiff mr batun later came to know that the husband of ms cindy cosentino is a retired Omaha police officer and that was the reason the two police

officers were protecting the apartment manager ms cindy cosentino.

20. On November,28,2011 mr batun complained to Omaha housing authority chief executive officer mr Clifford scott and brought his attention the hate actions which their apartment manager ms cindy cosentino had subjected to mr batun. Mr Clifford scott refused to listen to mr batun's complaint by ending the meeting and leaving.
21. On December,3,2011 and December,4,2011 in an act of harassment and intimidation a tenant named Anthony Johnson had placed signs and trash on mr batun's apartment door, This tenant was acting under the direction of Omaha housing authority
22. On December,9,2011 mr batun complained again to Omaha housing authority and mr batun had a meeting with Omaha housing authority hearing officer named raginald Johnson. Unfortunately he too refused to hear mr batun's complaint and he ignored it.
23. The Omaha police department has assigned the investigation of mr batun's police reports to a female police detective named ms wendy dye, That female detective came to mr batun's apartment on December,9,2011 along with two other individuals. A detective named Ryan hinsley and a lady who claimed that she is from crisis management group, the reason that female detective brought those people with her and came mr batun's apartment was not to conduct investigation on mr batun's police complaints but to intimidate mr batun on behalf of Omaha housing authority and during her visit she made intimidation and warnings to mr batun further she illegally took

away from mr batun the book about Islamic terrorism which had been placed on mr batun's apartment door on - November,21,2011, later on mr batun filed a complaint against that said detective at Omaha police department and during that complaint mr batun came to know the book she illegally took away from mr batun she gave back to ms cindy cosentino the same individual who placed that book on mr batun's apartment door. Further mr batun came to know the reason detective wendy dye brought with her the lady from crisis management group because defendant cindy cosentino called mr batun a mentally ill person, there is no record anywhere in the planet that mr batun is mentally ill person and nobody knows how defendant cindy cosentino came to terms to call mr batun as mentally ill person, it was character assassination humiliation and violation to mr batun's dignity.

24. On the evening of December,10,2011 in an act of harassment and intimidation the tenant named Anthony Johnson had kicked the apartment door of mr batun and when mr batun opened to see who was kicking then mr Anthony Johnson tried to assault mr batun, this tenant was acting under the direction of Omaha housing authority, mr batun filed a police report regarding this incident.
25. On January,10,2012 mr batun filed a housing discrimination complaint at united states housing and urban development against Omaha housing authority and their apartment manager cindy cosentino.
26. On February,10,2012 in an act of humiliation mr batun received a letter calling his name as "cynthia" from Omaha

housing authority signed by their asset manager mr Steven Ashford.

27. Further in an act of intimidation the Omaha housing authority used a tenant named james limpkins and on march,30,2012 mr james limpkins approached mr batun in the apartment community hall and he said to mr batun " do you have allah. Do you going to blow something. Do you going to shoot me,, mr batun ignored him and on march,12,2012 mr batun tried to submit a written complaint about this incident to Omaha housing authority chief executive officer mr Clifford scott but he refused to accept it and walked away from it and after that mr batun submitted the written complaint to Omaha housing authority lawyer mr George achola who was present on the occasion.
28. Further the same tenant mr james limpkins continued his hateful intimidation on behalf of Omaha housing authority and on june,23,2012, june.25,2012, june,26,2012 mr james limpkins continuously called mr batun a terrorist foreigner and asked mr batun to move out from this public housing apartment.
29. Further. On june,28,2012 the same tenant mr james limpkins made threats to mr batun and placed his cellphone on mr batun's face, after this incident mr batun filed a protection order against james limpkins.
30. From there Omaha housing authority started to use corrupt police officers against mr batun and on the afternoon of april,30,2012 mr batun saw two plain clothes police officers were following him near his apartment, mr batun identified one of them on the spot and she was the female detective which mr

batun has previously filed the complaints against her (hereinafter) detective wendy dye. The other one which mr batun later identified as a police officer named Justin rudloff, it appeared the only reason they were following mr batun because the female detective was on mission to show the other officer to mr batun in order that officer to falsely arrest mr batun in the near future on behalf of Omaha housing authority.

31. On july,23,2012 at around noon mr batun was sitting at the apartment courtyard. there after defendant cindy cosentino sent a tenant named yusef jama to harass mr batun. Mr yusef jama came out from the building sat down besides mr batun and he started to harass mr batun verbally by saying " you are gay. You are from different tribe. Do you know the apartment manager hates you and she will evict you soon" mr batun ignored him and within minute his wife named fatumo adunyo come out from the building and she harassed mr batun in similar manner. Mr batun ignored her as well. Then defendant cindy cosentino came out from the building and called yusef jama and his wife and the three went together inside the building .
32. Further on that same day july,23,2012 around 1:01pm mr batun was still sitting the apartment courtyard and mr batun was busy reading news from his cellphone. Again the apartment manager defendant cindy cosentino came out from the building and she violently started to verbally harass to mr batun by saying " you are idiot . are you trying to take my picture" nobody tried to take her picture and mr batun ignored her violent speech because mr batun understood that she was looking reactions.

33. Further on that same day july,23,2012 around 6:35pm the Omaha housing authority used two corrupt police officers to arrest mr batun. The two police officers arrested mr batun on the courtyard of his apartment in the name that mr batun was having small can of beer. Interestingly one of the officers (hereinafter) officer Justin rudloff was the plain clothes police officer who was following mr batun on april,30,2012 along with the female detective, this corrupt police officer had been showed to mr batun on april,30,2012 by that female detective in order to false imprison mr batun on behalf of Omaha housing authority which he fulfilled on this day july,23,2012 at 6:35pm along with another officer.

34. Further. in a violent way the Omaha housing authority used a lady named Shawntae Robinson against mr batun and on july,26,2012 around noon mr batun was in the apartment courtyard to bring 9 bottles of water to his apartment then without mr batun's request the said lady ms Shawntae Robinson voluntarily offered to carry part of the bottles and on arrival at his door mr batun told her to put the bottles she was carrying at infront of his door. Then she said she can help to put bottles inside and she voluntarily entered mr batun's apartment and placed the bottles she was carrying on the floor. She bushed back the door and she sat down mr batun's sofa seat . then mr batun told her to leave and she left. After that mr batun started to watch a movie without locking his door and within minutes the said lady ms Shawntae Robinson came back and she opened mr batun's door from outside then she entered mr batun's apartment without his permission and she tried to sat

down mr batun's apartment then mr batun asked her to leave and not to come back to his apartment, She left and mr batun locked his door from inside. Again for a third time around 1:19pm she come back with two guys and they knocked mr batun's door and when mr batun opened. They violently tried to invade mr batun's apartment but mr batun managed to close his door, the apartment manager defendant cindy cosentino was in the apartment lobby and was presiding those acts against mr batun.

35. In an act of retaliation and to fulfill their long desire to evict mr batun from his apartment. The Omaha housing authority issued unlawful housing discrimination eviction and evicted mr batun on August,15,2012.

36. As a result of defendants housing discrimination. Plaintiff abdulrazak batun has suffered, continues to suffer and will in the future suffer, irreparable injuries including but not limited to extreme stress, humiliation , embarrassment, emotional distress, pain and deprivation of the right to equal housing opportunities regardless religion belief.

37. Plaintiff abdulrazak batun will proof all his complaint by evidence at trial.

FIRST CLAIM FOR RELIEF

Unlawful housing discrimination on the basis of religion in violation of title VIII

38. Plaintiff abdulrazak batun repeats the facts set forth in paragraphs 1 through 37
39. Defendants conduct as herein stated violated title VIII of the civil rights act of 1968 which makes unlawful to discriminate on the basis of religion.
40. Defendants discriminated against plaintiff abdulrazak batun in violation of title VIII of the civil rights act 1968 when it coerced harassed intimidated threatened retaliated and unlawfully evicted him based on that plaintiff abdulrazak batun is a muslim.
41. As a result of defendants discrimination actions plaintiff abdulrazak batun has suffered, humiliation. embarrassment. Emotional distress. Pain and consequent harms, plaintiff abdulrazak batun has suffered such damages in an amount to be determined at trial.
42. Defendants unlawful actions were intentional. Willful. Malicious and/or done with disregard for plaintiff batun's federally protected rights.

SECOND CLAIM FOR RELIEF

Unlawful housing discrimination on the basis of religion belief in violation of the federal fair housing act.

43. plaintiff abdulrazak batun repeats the facts set forth in paragraphs 1 through 42.
44. Defendants conduct as herein stated violated federal fair housing act, 42 u.s.c. 3601 et seq. which makes unlawful to discriminate in housing on the basis of religion.
45. Defendants discriminated plaintiff abdulrazak batun in violation of the federal fair housing act, 42 u.s.c. 3601 et seq. when it coerced Harassed intimidated threatened retaliated and unlawfully evicted him based on that plaintiff abdulrazak batun is a muslim.
46. Plaintiff abdulrazak has been injured by defendants unlawful actions including but not limited to the injuries stated herein.
47. Plaintiff abdulrazak batun is "aggrieved person" as defined in 42 u.s.c. 3602(i) and 42 u.s.c. 3613(a)(1)(A).
48. Defendants unlawful actions were intentional. Willful. Malicious and/or done with reckless disregard for plaintiff batun's federally protected rights.
49. Plaintiff abdulrazak batun prays relief as described in the prayer for relief.

PRAYER FOR RELIEF

Wherefore, plaintiff abdulrazak batun respectfully prays that this court:

1. Enter a declaratory judgment that the practices complained in this complaint are unlawful and violate title VIII of the civil rights act of 1968 and federal fair housing act.
2. Grant all injunctive relief necessary to bring defendants in to compliance with the aforementioned laws.
3. Order defendants to pay compensatory damages for plaintiff abdulrazak batun in an amount to be determined at trial.
4. Order defendants to pay exemplary and punitive damages for their unlawful actions such damages to be in amount commensurate with each defendant's ability to pay and sufficient to deter future illegal conduct.
5. Order defendants to pay costs of the action.
6. Order defendants to pay interest at the legal rate on such damages as appropriate, including pre-and post-judgment interest.
7. Grant any further relief that this court deems just and proper.

Dated: july,25,2014,

Respectfully submitted by plaintiff

Pro-se abdulrazak batun

Address: p.o.box861,Omaha,NE,68101

Email: daroor571@gmail.com

I abdulrazak batun declare that the foregoing complaint is true and correct,

Date: july,25,2014

Signature of plaintiff:

A handwritten signature in black ink, appearing to be 'Abdulrazak Batun', written over a horizontal line.